

**ASSEMBLY BILL**

**No. 1772**

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**Introduced by Assembly Member Mendoza**

February 9, 2010

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An act to add Section 35559 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1772, as introduced, Mendoza. Vehicles: gross vehicle weight: idle reduction technology.

(1) Existing law imposes a maximum gross vehicle weight limit on a vehicle or combination of vehicles based on the number of axles of the vehicle or combination of vehicles. Existing law authorizes the Department of Transportation to fix the maximum weight limit of a vehicle operating on a highway after the department makes specified determinations. Existing law authorizes, with specified exemptions, a city, county, or city and county to prohibit the use of a street by a vehicle exceeding a maximum gross weight limit the city, county, or city and county has established according to prescribed requirements by ordinance. Existing law authorizes the department, and a city or county satisfying specified criteria, to establish the gross vehicle weight that a bridge or other structure will sustain safely.

For purposes of any laws under which maximum gross vehicle weight limits are established, this bill would authorize a vehicle that is equipped with idle reduction technology to exceed those maximum limits by the weight of the idle reduction technology, as defined, or not more than 400 pounds, whichever is less. The bill would require a vehicle operator, upon request, to provide proof that the idle technology is fully functional at all times and the gross vehicle weight increase is not for any purpose other than for the use of the idle reduction technology. Because a

violation of this requirement would be a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35559 is added to the Vehicle Code, to  
2 read:

3 35559. (a) The gross vehicle weight of a vehicle subject to  
4 Section 35550, 35551, or 35551.5 that is equipped with idle  
5 technology may exceed the maximum limits set forth in those  
6 sections by not more than 400 pounds or the weight of the idle  
7 reduction technology, whichever is less.

8 (b) Notwithstanding other laws under which maximum gross  
9 vehicle weights are established, the maximum gross vehicle weight  
10 limit, bridge formula limit, and axle weight limit for a vehicle or  
11 combination of vehicles equipped with idle reduction technology  
12 may exceed the maximum limits established under those laws by  
13 not more than 400 pounds or the weight of the idle reduction  
14 technology, whichever is less.

15 (c) Upon request by an appropriate law enforcement officer,  
16 the vehicle operator shall provide proof that the idle technology  
17 is fully functional at all times and the gross vehicle weight increase  
18 is not for any purpose other than for the use of the idle reduction  
19 technology.

20 (d) For the purposes of this section, “idle reduction technology”  
21 has the same meaning as that set forth in Section 16104 of Title  
22 42 of the United States Code.

23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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